

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL ACTION NO. 3:02CR120TSL-JCS

CAPOUS ORLANDO DENNIS

ORDER

This cause is before the court on the motion of defendant Capous Orlando Dennis for a reduction in sentence pursuant to 18 U.S.C. § 3582(c) (2). Given that defendant was subject to a mandatory minimum sentence of 120 months in accordance with 21 U.S.C. § 841(b) (1), his motion is denied. United States v. Reese, 2008 WL 4580086 (5th Cir. Oct. 15, 2008) ("Because Reece had a prior felony drug conviction and the Government gave notice that it was seeking an enhanced penalty, Reece was subject, by statute, to the mandatory minimum penalty of 20 years of imprisonment. A mandatory minimum statutory penalty overrides the retroactive application of a new guideline.") (internal citations omitted).

SO ORDERED, this the 24th day of March, 2009.

/s/ Tom S. Lee
UNITED STATES DISTRICT JUDGE